



State of Wisconsin
1999 - 2000 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 187**

February 22, 2000 – Offered by Representative POWERS.

1 **AN ACT** *to amend* 16.72 (2) (b); and *to create* 13.94 (1) (q), 15.105 (26), 16.25,
2 16.705 (1m), 16.71 (5), 20.505 (4) (ec) and 20.505 (4) (er) of the statutes;
3 **relating to:** establishing a service award program for volunteer fire fighters
4 and emergency medical technicians, creating a volunteer fire fighter and
5 emergency medical technician service award board, requiring the exercise of
6 rule-making authority and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 13.94 (1) (q) of the statutes is created to read:
8 13.94 (1) (q) No later than February 1, 2006, prepare a performance evaluation
9 audit of the volunteer fire fighter and emergency medical technician service award
10 program established under s. 16.25. The legislative audit bureau shall file a copy of
11 the audit report under this paragraph with the distributees specified in par. (b).

1 **SECTION 2.** 15.105 (26) of the statutes is created to read:

2 **15.105 (26) VOLUNTEER FIRE FIGHTER AND EMERGENCY MEDICAL TECHNICIAN**
3 SERVICE AWARD BOARD. (a) There is created a volunteer fire fighter and emergency
4 medical technician service award board that is attached to the department of
5 administration under s. 15.03. The board shall consist of the secretary of
6 administration or his or her designee and the following members appointed for
7 3-year terms:

8 1. One member who is volunteer fire fighter and who is a member of a statewide
9 organization that represents fire chiefs.

10 2. One member who is volunteer fire fighter and who is a member of a statewide
11 organization that represents volunteer fire fighters.

12 3. One member who is a volunteer emergency medical technician

13 4. Three members who represent municipalities that operate volunteer fire
14 departments or that contract with volunteer fire companies organized under ch. 181
15 or 213.

16 (b) In appointing the members under par. (a), the governor shall seek to appoint
17 members from different regions of the state and from municipalities of different
18 sizes.

19 **SECTION 3.** 16.25 of the statutes is created to read:

20 **16.25 Volunteer fire fighter and emergency medical technician service**
21 **award program.** (1) In this section:

22 (a) “Board” means the volunteer fire fighter and emergency medical technician
23 service award board.

24 (b) “Internal Revenue Code” means the Internal Revenue Code, as defined for
25 the current taxable year under s. 71.01 (6).

1 (c) "Municipality" means a city, village or town.

2 (d) "Program" means the volunteer fire fighter and emergency medical
3 technician service award program established under sub. (2).

4 **(2)** The board shall establish by rule a program to provide length-of-service
5 awards, described in 26 USC 457 (e) (11), to volunteer fire fighters in municipalities
6 that operate volunteer fire departments or that contract with volunteer fire
7 companies organized under ch. 181 or 213 and to volunteer emergency medical
8 technicians in any municipality that authorizes volunteer emergency medical
9 technicians to provide emergency medical technical services in the municipality. To
10 the extent permitted by federal law, the board shall design the program so as to treat
11 the length-of-service awards as a tax-deferred benefit under the Internal Revenue
12 Code.

13 **(3)** The board shall promulgate rules to include the following design features
14 for the program:

15 (a) All municipalities that operate volunteer fire departments or that contract
16 with a volunteer fire company organized under ch. 181 or 213 and all municipalities
17 that authorize volunteer emergency medical technicians to provide emergency
18 medical technical services are eligible to participate in the program.

19 (b) Annual contributions in an amount determined by the municipality shall
20 be paid by each municipality for each volunteer fire fighter and emergency medical
21 technician who provides services for the municipality.

22 (c) The municipality may select from among the plans offered by individuals
23 or organizations under contract with the board under sub. (4) for the volunteer fire
24 fighters and emergency medical technicians who perform services for the

1 municipality. The municipality shall pay the annual contributions directly to the
2 individual or organization offering the plan selected by the municipality.

3 (d) The board shall match all annual municipal contributions paid for volunteer
4 fire fighters and emergency medical technicians up to \$250 per year, other than
5 contributions paid for the purchase of additional years of service under par. (e), to be
6 paid from the appropriation account under s. 20.505 (4) (er). This amount shall be
7 adjusted annually to reflect any changes in the U.S. consumer price index for all
8 urban consumers, U.S. city average, as determined by the U.S. department of labor.
9 The board shall pay all amounts that are matched under this paragraph to the
10 individuals and organizations offering the plans selected by the municipalities.

11 (e) A municipality may purchase additional years of service for volunteer fire
12 fighters and emergency medical technicians who have at least 5 years of service as
13 a volunteer fire fighter or emergency medical technician for the municipality. The
14 number of additional years of service that may be purchased under this paragraph
15 may not exceed the number of years of volunteer fire fighting or emergency medical
16 technical service performed by the volunteer fire fighter or emergency medical
17 technician for the municipality.

18 (f) Except in the case of a volunteer fire fighter or the beneficiary of a volunteer
19 fire fighter eligible for a lump sum under par. (i), a vesting period of 10 years of
20 volunteer fire fighting or emergency medical technical service for a municipality
21 shall be required before a volunteer fire fighter or emergency medical technician may
22 receive any benefits under the program.

23 (g) A volunteer fire fighter or emergency medical technician shall be paid a
24 lump sum, consisting of all municipal and state contributions made on behalf of the
25 volunteer fire fighter or emergency medical technician and all earnings on the

1 contributions, less any expenses incurred in the investment of the contributions and
2 earnings, after the volunteer fire fighter or emergency medical technician attains 20
3 years of service for a municipality and reaches the age of 60. If a volunteer fire fighter
4 or emergency medical technician has satisfied all vesting requirements under the
5 program but has less than 20 years of service for a municipality or has not reached
6 the age of 60, the program shall provide for the payment of a lump sum in an amount
7 to be determined by the board, but less than the lump sum paid to a volunteer fire
8 fighter or emergency medical technician who has attained 20 years of service for a
9 municipality and has reached the age of 60.

10 (h) A volunteer fire fighter or emergency medical technician who has not met
11 all of the vesting requirements under the program shall forfeit his or her accrued
12 years of volunteer fire fighting or emergency medical technical service if he or she
13 should cease providing volunteer fire fighting or emergency medical technical
14 services for a municipality for a period of 6 months or more, unless he or she has been
15 granted a leave of absence by his or her supervisor.

16 (i) 1. The beneficiary of a volunteer fire fighter who is killed in the line of duty
17 shall be paid a lump sum, consisting of all municipal and state contributions made
18 on behalf of the volunteer fire fighter and all earnings on the contributions, less any
19 expenses incurred in the investment of the contributions and earnings.

20 2. A volunteer fire fighter who becomes disabled during his or her service as
21 a volunteer fire fighter for the municipality shall be paid a lump sum in an amount
22 to be determined by the board.

23 (j) The account of any volunteer fire fighter or emergency medical technician
24 who has not met all of the vesting requirements under the program, who has not
25 provided volunteer fire fighting or emergency medical technical services for a

1 municipality for a period of 6 months or more and who has not been granted a leave
2 of absence by his or her supervisor shall be closed.

3 (k) The board shall equitably allocate all moneys in accounts of volunteer fire
4 fighters and emergency medical technicians that have been forfeited or closed to the
5 accounts of volunteer fire fighters and emergency medical technicians that have not
6 been forfeited or closed.

7 (4) (a) The board shall establish by rule the requirements for, and the
8 qualifications of, the individuals and organizations in the private sector that are
9 eligible to provide administrative services and investment plans under the program,
10 other than services funded from the appropriation under s. 20.505 (4) (ec). In
11 establishing the requirements and qualifications, the board shall develop criteria of
12 financial stability that each individual and organization must meet in order to offer
13 the services and plans under the program.

14 (b) The board may contract with any individual or organization in the private
15 sector that seeks to provide administrative services and investment plans required
16 for the program, other than services funded from the appropriation under s. 20.505
17 (4) (ec), if the individual or organization fulfills the requirements and has the
18 qualifications established by the board under par. (a). Section 16.72 (2) (b) does not
19 apply to any such contract.

20 (5) The board shall establish by rule a process by which a volunteer fire fighter
21 or emergency medical technician may appeal to the board any decision made by the
22 department or by an individual or organization under contract with the board under
23 sub. (4) that affects a substantial interest of the volunteer fire fighter or emergency
24 medical technician under the program.

1 **(6)** Annually, on or before December 31, the board shall submit a report to the
2 chief clerk of each house of the legislature under s. 13.172 (2) describing the activities
3 of the board.

4 **SECTION 4.** 16.705 (1m) of the statutes is created to read:

5 16.705 **(1m)** Subsection (1) does not apply to contracts entered into by the
6 volunteer fire fighter and emergency medical technician service award board under
7 s. 16.25 (4) (b).

8 **SECTION 5.** 16.71 (5) of the statutes is created to read:

9 16.71 **(5)** The department shall delegate authority to the volunteer fire fighter
10 and emergency medical technician service award board to enter into contracts under
11 s. 16.25 (4) (b).

12 **SECTION 6.** 16.72 (2) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is
13 amended to read:

14 16.72 **(2)** (b) Except as provided in ss. 16.25 (4) (b), 16.751 and 565.25 (2) (a)
15 4., the department shall prepare or review specifications for all materials, supplies,
16 equipment, other permanent personal property and contractual services not
17 purchased under standard specifications. Such “nonstandard specifications” may be
18 generic or performance specifications, or both, prepared to describe in detail the
19 article which the state desires to purchase either by its physical properties or
20 programmatic utility. When appropriate for such nonstandard items or services,
21 trade names may be used to identify what the state requires, but wherever possible
22 2 or more trade names shall be designated and the trade name of any Wisconsin
23 producer, distributor or supplier shall appear first.

24 **SECTION 7.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
25 the following amounts for the purposes indicated:

1999-00 2000-01

1 **20.505 Administration, department of**

2 (4) ATTACHED DIVISIONS, BOARDS, COUNCILS AND
 3 COMMISSIONS

4 (ec) Volunteer fire fighter and emer-
 5 gency medical technician service
 6 award program; general program
 7 operations

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8 **SECTION 8.** 20.505 (4) (ec) of the statutes is created to read:

9 20.505 (4) (ec) *Volunteer fire fighter and emergency medical technician service*
 10 *award program; general program operations.* The amounts in the schedule for
 11 general program operations of the volunteer fire fighter and emergency medical
 12 technician service award board and to reimburse the department of administration
 13 for all services provided by the department to the board.

14 **SECTION 9.** 20.505 (4) (er) of the statutes is created to read:

15 20.505 (4) (er) *Volunteer fire fighter and emergency medical technician service*
 16 *award program; state matching awards.* A sum sufficient to make the payments
 17 required under s. 16.25 (3) (c).

18 **SECTION 10. Nonstatutory provisions.**

19 (1) VOLUNTEER FIRE FIGHTER AND EMERGENCY MEDICAL TECHNICIAN SERVICE AWARD
 20 BOARD. Notwithstanding the length of terms specified for the members of the
 21 volunteer fire fighter and emergency medical technician service award board under
 22 section 15.105 (26) (a) of the statutes, as created by this act, the initial members shall
 23 be appointed for the following terms:

1 (a) The member specified under section 15.105 (26) (a) 1. of the statutes, as
2 created by this act, and one member specified under section 15.105 (26) (a) 4. of the
3 statutes, as created by this act, for terms expiring on May 1, 2002.

4 (b) The member specified under section 15.105 (26) (a) 2. of the statutes, as
5 created by this act, and one member specified under section 15.105 (26) (a) 4. of the
6 statutes, as created by this act, for terms expiring on May 1, 2003.

7 (c) The member specified under section 15.105 (26) (a) 3. of the statutes, as
8 created by this act, and one member specified under section 15.105 (26) (a) 4. of the
9 statutes, as created by this act, for terms expiring on May 1, 2004.

10 (2) AUTHORIZED POSITIONS FOR VOLUNTEER FIRE FIGHTER AND EMERGENCY MEDICAL
11 TECHNICIAN SERVICE AWARD PROGRAM. The authorized FTE positions for the
12 department of administration are increased by 1.0 GPR project position, to be funded
13 from the appropriation under section 20.505 (4) (ec) of the statutes, as created by this
14 act, for the period ending on June 30, 2001, for the purpose of establishing the
15 volunteer fire fighter and emergency medical technician service award program
16 under section 16.25 of the statutes, as created by this act.

17 (3) RULES FOR VOLUNTEER FIRE FIGHTER AND EMERGENCY MEDICAL TECHNICIAN
18 SERVICE AWARD PROGRAM. Using the procedure under section 227.24 of the statutes,
19 the volunteer fire fighter and emergency medical technician service award board
20 may promulgate rules required under section 16.25 of the statutes, as created by this
21 act, for the period before permanent rules become effective, but not to exceed the
22 period authorized under section 227.24 (1) (c) and (2) of the statutes.
23 Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the board is not
24 required to provide evidence that promulgating a rule under this subsection as an
25 emergency rule is necessary for the preservation of the public peace, health, safety

1 or welfare and is not required to provide a finding of emergency for a rule
2 promulgated under this subsection.

3 (END)